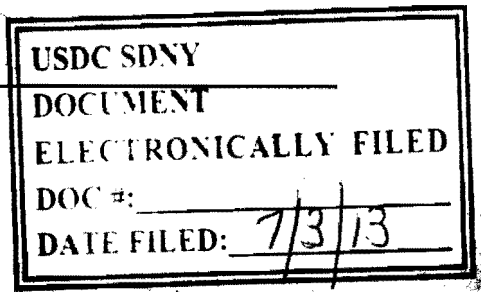


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK



RONARD LORA, HUGO RIVERA, MARCO)
ANTONIO DIAZ, MELVIN LORA, EDUARDO)
LORA, GIOVANNI PAULINO, JOSE RODRIGUEZ,)
and JOSE RODOLFO RODRIGUEZ-TINEO,)
Individually and on behalf of all others similarly)
Situating,)

Plaintiffs,)

-against-)

J.V.CAR WASH. LTD., BROADWAY HAND)
CAR WASH CORP., WESTER HND)
CAR WASH CORP., HARLEM HAND)
CAR WASH INC., BAYWAY HAND)
CAR WASH CORP., JOSE VASQUEZ,)
SATURININO VARGAS, JOSE JIMENEZ,)
RAMON PEREZ, DOMINGO "DOE.")
ADOLFO FEDERUS, originally sued as ADOLFO)
"DOE,"and JOHN DOES 1-10)

Hon. Louis L. Stanton

Case No.: 11-CV-9010 (LLS)

NOTICE OF MOTION TO WITHDRAW AS COUNSEL OF RECORD AND STAY
PROCEEDINGS

PLEASE TAKE NOTICE that, upon the annexed Affirmation of, Paul E. Kerson Esq., in support of Motion to Withdraw as Counsel and Stay Proceedings, dated June 12, 2013, and upon the annexed letter of Defendant Jose Vasquez, dated June 7, 2013 Attorney of Record, Paul Kerson Esq., will move this Court, Honorable Louis L. Stanton presiding, at the Daniel Patrick Moynihan United States Court House, 500 Pearl Street, New York, New York, 10007, at a date to be set by the Court, for an Order to Withdraw as counsel of record on behalf of all Defendants and to stay this action for sixty (60) days to allow Plaintiff to adequately prepare of trial and replace counsel pursuant to Rule 1.4

For the reasons discussed with counsel in court this afternoon
this application is denied, without prejudice to renewal upon the
appearance of successor counsel ready and willing to follow the schedule set by
the May 3, 2013 order.
So ordered Louis L. Stanton 7/3/13

of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, and the discretion of the Court, and for such further relief the Court deems just and appropriate under the circumstances.

Dated: June 13, 2013

Respectfully Submitted,



PAUL E. KERSON
Leavitt & Kerson
Attorneys for Defendants
228 E. 45th Street, 17th Floor
New York, NY 1001
(212) 973-9339

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RONARD LORA, HUGO RIVERA, MARCO)	
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and JOSE RODOLFO RODRIGUEZ-TINEO,)	
Individually and on behalf of all others similarly)	
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-against-)	
)	Hon. Louis L. Stanton
J.V.CAR WASH. LTD., BROADWAY HAND)	
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CAR WASH INC., BAYWAY HAND)	Case No.: 11-CV-9010 (LLS)
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)	

DECLARATION OF PAUL E. KERSON ESQ. IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL AND STAY PROCEEDINGS

I Paul E. Kerson, hereby declare pursuant to 28 U.S.C. Section 1746.

1) I am an attorney admitted to practice in the State of New York, I and in good standing in this District.

2) I am attorney of record for the Defendant Jose Vasquez and all Defendants in this action. I submit this declaration in support of the Motion to Withdraw as Counsel of Record and Stay the Proceedings.

3) This action was commenced in July of 2012, and I was retained as the attorney of record from the outset of this proceeding. After several attempts to mediate and settle this case, myself and my client Mr. Jose Vasquez have reached an impasse.

4) Mr. Vasquez and have a difference of opinion regarding strategy and how the case should proceed. As a result, we have ceased to effectively communicate regarding the case. In fact we have ceased to communicate entirely. Mr. Vasquez has informed me that he no longer has faith in my ability to represent him in the litigation of this case. See attached letter of Jose Vasquez, dated June 7, 2013.

5) A trial date in this case has been set for August 5, 2013, however due to the breakdown of my attorney client relationship with Mr. Vasquez; I was relieved as his counsel by a letter dated June 7, 2013 signed by Mr. Vasquez informing me of my termination. A copy is attached.

6) Though Counsel for the Plaintiff's accuses Defendants of engaging in dilatory tactics on order to prevent this case from going forward, this notion is misguided. The attorney client conflicts that lead to my discharge was unforeseeable at the time the case was assigned for trial and at the time of the Court's discovery Order. Furthermore, it was unforeseeable but not unheard of for a client and his attorney to disagree regarding tactical decisions for trial, which have the effect of eroding the attorney client relationship beyond repair.

7) Under Local Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York:

An attorney who has appeared as attorney of record for a party may be relieved or displaced only by order of the court and may not withdraw from a case without leave of the Court granted by order. Such an order may be granted only upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal or displacement and the posture of the case, including its position, if any, on the calendar.

Accordingly, "[w]hen considering whether to grant a motion to dismiss, district courts must thus analyze two factors: the reasons for withdrawal and the impact of the

withdrawal on the timing of the proceeding.” Blue Angel Films, Ltd. v. First Look Studios, Inc., No. 08 Civ. 6469 (DAB)(JCF), 2011 WL 672245, at *1 (S.D.N.Y. Feb. 17, 2011).

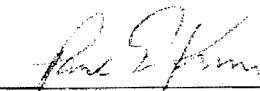
8) I make this motion for relief and asking the Court to stay proceedings in this action in order to bring to this Court’s attention the Defendants’ need to find alternate substituted counsel for discovery and trial preparation, since my ability to effectively represent my clients or to restore their confidence is no longer an option.

9) I believe Defendants will likely need time to find counsel that can bring this action to completion, or to prepare to execute this action pro se. So as to avoid any prejudice to Defendants, I believe it is in the best interest of the parties that the Court temporarily stays this action for sixty (60) days to provide them time to find replacement counsel or appear pro se.

10) For all the foregoing reasons, I respectfully request that the Court grant the motion for withdrawal as counsel and temporary stay the proceedings for sixty (60) days for Plaintiff to retain replacement counsel or appear pro se.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted,



PAUL E. KERSON
Leavitt & Kerson
Attorneys for Defendants
228 E. 45th Street, 17th Floor
New York, NY 1001
(212) 973-9339

JOSE VAZQUEZ
4778 BROADWAY
NEW YORK, NY 10034

June 7, 2013

By both Via Fax: (718) 729-0623 and
Certified Mail, Return Receipt Requested
7012 1010 0000 3760 6921

Leavitt & Kerson, Esqs.
45-29 47th Street
Woodside, NY 11377
Attn: Paul Kerson, Esq.

RE: Ronald Lora, et al v. J.V. Car Wash, Ltd., et al.
Southern District of New York, Docket No. 11-CV-9010 (LLS)

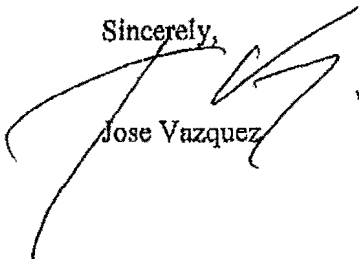
Dear Mr. Kerson:

Please be advised that for the reasons discussed in our recent meeting, you are hereby discharged as the attorney for both myself and all of the defendants you have previously appeared for in this action.

Please do not take any further action on behalf of myself or any of the defendants in this matter.

I am in the process of obtaining new counsel. As soon as I retain same, they will contact you in order to make the necessary arrangements for the orderly transfer of this file.

Sincerely,


Jose Vazquez

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X-----X

RONARD LORA, HUGO RIVERA, MARCO
ANTONIO DIAZ, MELVIN LORA, EDUARDO
LORA, GIOVANNI PAULINO, JOSE RODRIGUEZ,
and JOSE RODOLFO RODRIGUEZ-TINEO,
Individually and on behalf of all other similarly
Situating,

Hon. Louis L. Stanton

Plaintiffs,

Case No.: 11-CV-9010 (LLS)

-against

J.V. CAR WASH, LTD., BROADWAY HAND
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SATURNINO VARGAS, JOSE JIMENEZ,
RAMON PEREZ, DOMINGO "DOE."
ADOLFO FEDERUS, originally sued as ADOLFO
"DOE," and JOHN DOES 1-10

Defendants.

X-----X

CERTIFICATE OF SERVICE

I certify that on June 13, 2013, I arranged for the electronic filing of the foregoing
Notice of Motion, Declaration of Paul E. Kerson, and Affidavit of Jose Vasquez, with the Clerk
of the District Court using the CM/ECF system, which sent notification of such filing to the
following:

leolongobardi_adk@msn.com

saseeksj@aol.com

/s/Paul E. Kerson
PAUL E. KERSON
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